

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x Docket No. 08 CV 00577 (SAS)  
SOURCE CAPITAL GROUP, INC.,

Plaintiff,

-against-

**AFFIDAVIT FOR  
JUDGMENT BY DEFAULT**

YAKOV KOPPEL,

Defendant.

-----x  
STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

Harvey Stuart, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am of counsel to the Law Offices of Gordon Mehler, PLLC, attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.
3. This is an action to recover \$129,000 owed by defendant to plaintiff as reimbursement for the costs of a NASD arbitration resulting from defendant's activities as agent for plaintiff.
4. Jurisdiction of the subject matter of this action is based on diversity jurisdiction.
5. This action was commenced on January 23, 2008 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant on February 6, 2008 by personal service on Yakov Koppel and proof of service by the

Special Process Server was filed. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

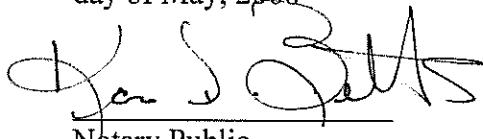
6. The action seeks judgment for the liquidated amount of \$129,000, as shown by the annexed affidavit of Robert Fitzpatrick, Esq., which is justly due and owing, and no part of which has been paid..
7. Based on a number of recent personal contacts between deponent and defendant, deponent states that defendant is not a minor, mentally incompetent, nor in the military service of the United States.

Dated: New York, New York  
May 1, 2008



\_\_\_\_\_  
Harvey Stuart

Sworn to before me this 2d  
day of May, 2008



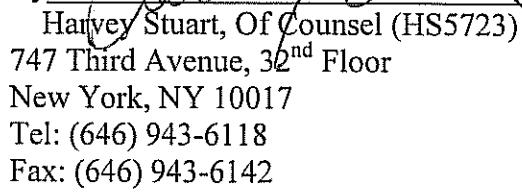
\_\_\_\_\_  
Karen D. Betts  
Notary Public

KAREN D. BETTS  
Notary Public, State of New York  
No. 01BE6002011  
Qualified in Kings County  
Commission Expires 02/02/01

Respectfully submitted,

LAW OFFICES OF GORDON MEHLER, PLLC

By



\_\_\_\_\_  
Harvey Stuart, Of Counsel (HS5723)  
747 Third Avenue, 32<sup>nd</sup> Floor  
New York, NY 10017  
Tel: (646) 943-6118  
Fax: (646) 943-6142

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x Docket No. 08 CV 00577 (SAS)  
SOURCE CAPITAL GROUP, INC.,

Plaintiff,

-against-

**AFFIDAVIT OF  
ROBERT FITZPATRICK**

YAKOV KOPPEL,

Defendant.

-----x  
STATE OF CONNECTICUT)

) ss:

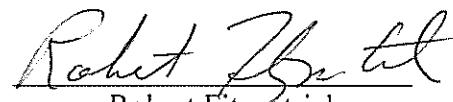
COUNTY OF *Fairfield* )

Robert Fitzpatrick, being duly sworn, deposes and says as follows:

1. I am General Counsel to the plaintiff, Source Capital Group, Inc., and am familiar with all of the facts set forth in the complaint in this action.
2. I make and submit this affidavit in support of the plaintiff's application for the entry of a default judgment against the defendant in the amount of \$129,000.
3. Annexed hereto as Exhibit 1 is a copy of the NASD arbitration settlement agreement dated July 19, 2006 which called for the payment by the plaintiff to the claimants in NASD Arbitration No. 05-04543 of the total sum of \$120,000.
4. Annexed hereto as Exhibit 2 are copies of two NASD invoices addressed to the plaintiff for payment of the NASD fees of the said arbitration, one dated 1/09/06 in the amount of \$4,750 (arbitration fees) and one dated 7/14/06 in the amount of \$4,250 (mediation fees).
5. All of the sums recited in Exhibits 1 and 2 were paid by the plaintiff in full to the persons and entities entitled thereto during the year 2006.

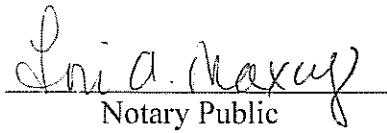
6. As more fully set forth in the complaint herein, by written agreements between Source Capital Group, Inc. and the defendant, Yakov Koppel, the said defendant was under duty to reimburse the plaintiff for all of the said payments.
7. Despite repeated demands for such reimbursement, Mr. Koppel has paid no part of the sums he owes.

Wherefore your affiant respectfully urges that the Clerk of the Court enter a default judgment in favor of Source Capital Group, Inc. and against Yakov Koppel, in the amount of \$129,000.



Robert Fitzpatrick

Subscribed and sworn to before me  
on April 30, 2008



Lori A. Maxey  
Notary Public

**LORI A. MAXEY**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES JUNE 30, 2008

# Exhibit 1

## SETTLEMENT TERMS

Regina Klenosky and Fanny Wolf

v.

Yakov Koppel and  
Source Capital Group, Inc.

NASD Arbitration No. 05-04543

Source Capital Group, Inc. shall pay \$120,000.00\* as directed by counsel for Regina Klenosky and Fanny Wolf in full settlement of all claims.

Counsel for Source Capital Group, Inc. shall prepare a Settlement Agreement consistent with these terms and deliver a draft to counsel for Regina Klenosky and Fanny Wolf by July , 2006. Payment to be made within days of receipt of executed Settlement Agreement.

No admission of liability.

Confidentiality with regulatory carve out.

General Release from Regina Klenosky and Fanny Wolf to Yakov Koppel, and Source Capital Group, Inc., its employees, officers, directors, affiliates, etc., *in escrow* <sup>unless payment has cleared.</sup> *Release effective upon fifth payment.*

Each party to pay his, her, or its expenses, counsel, expert, and other fees.

Approved by Counsel:

Peter B. Broustein  
Peter Broustein

Regina Klenosky  
Regina Klenosky

Robert Fitzpatrick  
Robert Fitzpatrick

Robert Fitzpatrick  
Robert Fitzpatrick  
for Source Capital Group

July 19, 2006

\* Six equal installments of \$20,000.00 beginning August 20, 2006 and the 20th day of each  
month thereafter.

## Exhibit 2

## STATEMENT OF ACCOUNT

NASD Dispute Resolution  
 One Liberty Plaza  
 165 Broadway, 27th Floor  
 New York, NY 10006

As of: 01/09/2006

TO: Robert Fitzpatrick, Esq.  
 Source Capital Group, Inc.  
 276 Post Road West  
 Westport, CT 06880

FOR: Source Capital Group, Inc. (M)  
 276 Post Road West  
 Westport, CT 06880

Invoice#: 05-04543-64-NY

Case Number: 05-04543

Name: Regina Klenosky and Fanny Wolf v. Yakov Koppel and Source Capital Group, Inc.

Date	Multiple Party	Description	Fees Owed	Credits	Check No.	Check Date
09/01/2005		Section 45 Member Surcharge	\$2,250.00			
10/27/2005		Pre-Hearing Processing Fee	\$750.00			
11/28/2005		Check No: R1126911NB		\$2,250.00		
01/09/2006		Hearing Processing Fee	\$4,000.00			
 Mediation Fee Total: \$ .00						
Arbitration Fee Total: \$7,000.00						
Total Fees: \$7,000.00						
Credits To Date: \$2,250.00						
Credits By Others: \$ .00						
Less Credits To Others: \$ .00						
Less Refunds: \$ .00						
 Balance Due: \$4,750.00						

Please Make Check Payable to:

NASD Dispute Resolution  
 W3690  
 PO Box 7777  
 Philadelphia, PA 19175-3690

EM : RF02A

**DUPLICATE INVOICE**  
*Please return this invoice with your payment.*

## STATEMENT OF ACCOUNT - MEDIATION

NASD Dispute Resolution  
 One Liberty Plaza  
 165 Broadway, 27th Floor  
 New York, NY 10006

As of: 07/14/2006

TO: Robert Fitzpatrick, Esq.  
 Source Capital Group, Inc.  
 276 Post Road West  
 Westport, CT 06880

FOR: Source Capital Group, Inc. (M)  
 276 Post Road West  
 Westport, CT 06880

Invoice#: 05-04543-84-NY

Case Number: 05-04543

Name: Regina Klenosky and Fanny Wolf v. Yakov Koppel and Source Capital Group, Inc.

Date	Multiple Party	Description	Fees Owed	Credits	Check No.	Check Date
05/03/2006		Mediation Administrative Fee	\$500.00			
05/23/2006		Check No: 5230		\$500.00		
06/30/2006		Mediator Deposit Fee	\$2,500.00			
07/12/2006		Reduced: Mediation Administrative Fee	-\$500.00			
07/12/2006		Reduced: Mediator Deposit Fee	-\$2,500.00			
07/12/2006		Mediator Deposit Fee	\$4,000.00			
07/12/2006		Mediation Administrative Fee	\$750.00			
Mediation Fee Total:			\$4,750.00			
Total Fees:			\$4,750.00			
Credits To Date:				\$500.00		
Credits By Others:				\$ .00		
Less Credits To Others:				\$ .00		
Less Refunds:				\$ .00		
Balance Due:			\$4,250.00			

Please Make Check Payable to:

NASD Dispute Resolution  
 W3690  
 PO Box 7777  
 Philadelphia, PA 19175-3690

SN : RF02M